

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 04026**, from R-4 Residential District to R-2 Residential District, requested by the Country Club Neighborhood Association and the Irvingdale Neighborhood Association, on property generally located between 17th and 30th Streets, from South Street to Woodcrest Street.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/28/04
Administrative Action: 04/28/04

RECOMMENDATION: Approval, with amendment deleting the property on South Street west of 27th Street from the change of zone request (8-0: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser, and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest).

FINDINGS OF FACT:

1. This is a request to change the zone from R-4 to R-2 on approximately 25 blocks within the Irvingdale and Country Club Neighborhoods. The reason for downzoning of this area is to preserve and enhance the single-family atmosphere of the area and prevent the overtaking of the neighborhoods' infrastructure and rectify residential zoning inconsistent with the traditional and current property uses.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-9, concluding that these neighborhoods appear to have reached a point where the density and mix of residential uses seems appropriate. The current mix is approaching a tipping point, at which additional density would start to affect the stability and overload the carrying capacity of the neighborhood. Approval of this change of zone would preserve the current development pattern in the interior blocks, and allow for more influence on how land along South Street might eventually redevelop.
3. The testimony on behalf of the applicant neighborhoods is found on p.11-12. Other testimony in support is found on p.12-13, and the record consists of six communications in support (p.26-31).
4. There was no testimony in opposition; however, the record consists of one communication in opposition (p.32-38).
5. There was testimony suggesting that the South Street corridor remain R-4 (See Neil Balfour and John Layman testimony, p.12-13).
6. The Planning Commission discussion is found on p.13-14. The response by the applicant is found on p.14.
7. On April 28, 2004, the Planning Commission voted 8-0 to recommend approval, with amendment deleting South Street west of 27th Street from the change of zone request (See Minutes, p.15-16).
8. The legal descriptions of the applicants' request and that recommended by the Planning Commission are found on p.17.
9. The maps representing the applicants' request are found on p.18-19.
10. The maps representing the recommendation of the Planning Commission are found on p.20-21.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 4, 2004

REVIEWED BY: _____

DATE: May 4, 2004

REFERENCE NUMBER: FS\CC\2004\CZ.04026

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04026

PROPOSAL: To change the zoning on approximately 25 blocks within the Irvingdale & Country Club Neighborhoods from R-4 Residential to R-2 Residential.

LOCATION: Generally located between 17th and 30th Streets, from South to Woodcrest Streets.

LAND AREA: 117 acres, more or less.

CONCLUSION: These neighborhoods appears to have reached a point where the density and mix of residential uses seems appropriate. The current mix is approaching a tipping point, at which additional density would start to affect the stability and overload the carrying capacity of the neighborhood. Approval of this change of zone would preserve the current development pattern in the interior blocks, and allow for more influence on how land along South Street might eventually redevelop.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: (As Revised by Staff on 4/28/04**)**

Lots 1-9, 15-24, Block 1 and Lots 1-24, Block 2, Ryons Addition; Lots 1-10, Block 1, Lots 1-10, Block 2, Lots 1-10, Block 3, and Lots 1-10, Block 4, Marion Heights Addition; Lots 1-48, Cherry Hill Place; Lots 1-12, Block 1, Lots 1-12, Block 2; Youngs Subdivision; Lots 1-18, Alexander Subdivision; Lots 1-4, Chapline Subdivision; Lots 59-62 I.T.; Lots 1-14, Block 1, Lots 1-10, Block 2, Lots 1-24, Block 3, Lots 1-9, Block 6, Lots 1-16, Block 7, Lots 1-25, Block 8, Lots 1-6, Block 9, Lots 1-6, Block 10; Lot 1, Block 1, Sewell's Addition; Lots 2-24, Block 1 and Lots 1-24, Block 2, Replat of Sewell's Addition; Lots 1-24, Block 1 and Lots 1-24, Block 2, Randall Place; Lots 1-24, Block 1, Lots 1-24, Block 2, Lots 1-24, Block 3, Homecrest; Lots 1-12, Block 1, Yates and Thompsons Subdivision; Lots 1-13, 16-24, Block 1, Lots 1-3, 6-11, Block 2, Lots 1-8, 14-20, Block 4, Lots 1-6, 12-16, Block 5, Lots 1-4, 10-12, Block 8, Sheridan Place; all located in the south ½ of Section 36-10-6; Lots 1-11, Block 1, Lots 1 and 2, Block 12, Lots 4-14, Block 14, Lots 4-7, Block 15, Lots 1 and 2, Lots 12-23, Block 16, Sheridan Park, located in the SW ¼ of Section 31-10-7, Lancaster County, Nebraska, generally located between South Street and Van Dorn Street, from S. 17th Street to S. 30th Street.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Single-, Two-, and Multiple-Family dwellings, churches,

SURROUNDING LAND USE AND ZONING:

North:	Residential, Public, and Commercial uses	R-4, R-6 Residential, P-Public, B-3 and B-1, Commercial
South:	Residential and Public uses	R-2 Residential and P Public
East:	Residential uses	R-2 and R-5 Residential
West:	Residential uses	R-4 Residential and B-3 Commercial

HISTORY:

Prior to the 1979 zoning update, this area was zoned B Two-Family Dwelling and C Multiple Dwelling. As a result of the update, the zoning changed to R-4 Residential, which substantially reflected the previous zoning.

HISTORY OF OTHER RESIDENTIAL DOWNZONING:

Dec 2003	Zone #3424 from R-4, R-5, R-6 Residential and B-3 Commercial to R-2 Residential was approved for an area within the Everett Neighborhood. The Planning Staff recommended approval.
Sept 2003	Change of Zone #3416 from R-4 Residential to R-2 Residential was approved for an area within the Witherbee Neighborhood. The Planning Staff recommended denial.
Aug 2003	Change of Zone #3412 from R-4 Residential to R-2 Residential was approved for an area within the Antelope Park Neighborhood. The Planning Staff recommended approval.
Apr 2003	Change of Zone #3397 from R-4 Residential to R-2 residential was approved for an existing landmark district within the Near South Neighborhood. The Planning Staff recommended approval.
Oct 2002	Change of Zone #3378 from R-5 and R-6 Residential to R-2 Residential was approved within the existing Mount Emerald Neighborhood landmark district. The Planning Staff referred to new language in the recently adopted Comprehensive Plan on preserving the character of the existing neighborhoods.
Feb 2002	Change of Zone #3354 from R-4 Residential to R-2 Residential was approved for the area located immediately adjacent and southeast of this application. The area included approximately 106 dwelling units. The Planning Staff recommended denial because the change would cause 35% of the lots to become nonstandard and the R-4 district allows a diversity of housing types.
Jun 1995	Change of Zone #2890 from R-4 Residential to R-2 Residential was approved for a small area located immediately adjacent and west of this application. The area included 23 dwelling units (21 single-family and 2 duplex units). The Planning Staff recommended denial because the change would result in 57% of the lots becoming nonstandard.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre. (F 27)

COMP PLAN SPECIFICATIONS THAT SUPPORT THIS CHANGE OF ZONE:

The **Overall Guiding Principles** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

Preserve the mix of housing types in older neighborhoods. (F 68)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68)

Strategies for New & Existing Residential Areas

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

Strategies for Existing Residential Areas

In existing neighborhoods adjacent to the Downtown, retain existing predominately single family blocks in order to maintain the mix of housing types. The current mix within each neighborhood provides ample housing choices. These existing neighborhoods have significantly greater populations and residential densities than the rest of the community. Significant intensification could be detrimental to the neighborhoods and be beyond infrastructure capacities. Codes and regulations which encourage changes in the current balance of housing types, should be revised to retain the existing character of the neighborhoods and to encourage maintenance of established older neighborhoods, not their extensive conversion to more intensive uses. (F 73)

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The **Guiding Principles for the Urban Environment: Residential Neighborhoods** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

One **Quality of Life Asset** from the **Guiding Principles from the Comprehensive Plan Vision** states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

Develop and promote building codes and regulations with incentives for the rehabilitation of existing buildings in order to make it easier to restore and reuse older buildings. Encourage reconversion of single family structures to less intensive (single family use) and/or more productive uses. (F 73)

COMP PLAN SPECIFICATIONS THAT DO NOT SUPPORT THIS CHANGE OF ZONE:

The **Guiding Principles for the Urban Environment: Overall Form** include:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (F 17)

Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 65)

AESTHETIC CONSIDERATIONS:

Many of the homes in the area appear to be of the same vintage, with similar architectural characteristics. The streetscapes appear consistent with older single-family areas; there is a rhythm to the size and shape of houses, there is some, but not a significant amount of parking on the streets, and many homes are still single-family.

Patrons of the area may be eligible for landmark district designation.

ANALYSIS:

1. This is a request by the Irvingdale and Country Club Neighborhood Associations to change the zoning for approximately 25 blocks within the Irvingdale and Country Club Neighborhoods from R-4 to R-2 Residential. The reason for the downzoning of this area is to preserve and enhance the single-family atmosphere of the area and prevent the overtaking of the neighborhood's infrastructure and rectify residential zoning inconsistent with the traditional and current property uses.
2. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.
 - A. **Safety from fire, flood and other dangers.**
No apparent impact.
 - B. **Promotion of the public health, safety, and general welfare.**
This proposal appears to fulfill several of the policies and guidelines enumerated in the Comprehensive Plan. However, there are also some Comprehensive Plan policies and strategies that would suggest this downzoning is not appropriate.
 - C. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.**
The housing within this proposed change of zone is primarily single-family, with some two-family and multiple-family units. The majority of the approximately 520 primary structures in the area appear to have been constructed as single-family homes and are still in that use today. There also appears to be 33 two-family dwellings (66 units) and 7 multiple-family dwellings (28 units). Some of these have been converted from single-family dwellings, while others were constructed for their current use.
 - D. **Conservation of property values.**
It is difficult to determine the effect a change of zoning will have on property values. On one hand, property values could diminish if houses could no longer be converted into duplexes, due to increased lot area requirements. On the other hand, this may have the effect of encouraging home ownership, which could stabilize or increase property values.

E. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

The Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices. At the same time, the Comp Plan identifies Lincoln's commitment to its neighborhoods, as well as an encouragement to preserve existing single-family homes for single-family uses. This area has developed over time as a predominantly single-family neighborhood, with approximately 8% (40 out of 520) of the parcels now devoted to more than 1 family. However, this 8% of structures includes 16% of all dwelling units (94 out of 576). This neighborhood is likely using its existing infrastructure as efficiently as it can with its current mix of development. This area appears to have reached a density comparable to other neighborhoods downzoned in recent years.

3. There are several differences between R-2 and R-4 lot and area requirements. The table at the end of this report shows the requirements for residential uses in each district.
4. The uses allowed in these districts are quite similar. The R-2 district conditional uses require a greater separation between group homes, and a less dense domestic shelter than the other districts. The R-2 district special uses add garden centers, clubs, and mobile home courts and subdivisions to the special uses typically found in the other districts.
5. LMC §27.61.040 provides that a nonconforming use "shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located" or a special permit is obtained. Additionally, §27.61.050 provides nonconforming uses damaged to an extent of more than 60% of their value "shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Chapter 27.75 [variance], or Section 27.63.280 [special permit]."
6. However, §27.13.080(g) of the R-2 district regulations provides that "multiple family dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61 [nonconforming and nonstandard uses]." This rule allows multiple-family dwellings to be reconstructed, altered, and restored after damage by treating such uses as nonstandard rather than nonconforming.
7. Pursuant to LMC §27.03.460, nonstandard lots are defined as those that fail to meet the minimum lot requirements for the district, such as lot area, lot width, density, setbacks, height, unobstructed open space, or parking.
8. Pursuant to LMC §27.61.090, nonstandard uses, whether existent prior to the ordinance or due to changes in the zoning, may be enlarged, extended, or reconstructed as required by law for safety, or "if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space..."
9. Therefore, any residential use within this area, whether single- or two-family, that is a nonstandard use, may be altered or rebuilt provided it meets setbacks, height, and open space requirements. This may result in a slightly different building footprint for a two-family dwelling,

but there is no need under the current zoning ordinance for a variance or special permit if these requirements are met.

10. In the case of a nonstandard use that wants to extend into one of the required yards, a special permit is available. This is a less difficult hurdle than a standard use would face in order to occupy a required yard. A standard use would be required to seek a variance from the Board of Zoning Appeals.
11. The total number of nonstandard and nonconforming uses, both before and after this change of zone, are presented below.

Use type	Current	Proposed R-2	Total units
Single-family	67 nonstd.	42 nonstd.	109
Two-family	3 nonstd.	30 nonstd.	33
Multiple-family	7 nonstd./ 7 noncof.	0 nonstd./ 0 nonconf.	7
Other	1 nonstd./ 1 noncof.	1 nonstd./ 1 noncof.	<u>1</u>
			150

12. There are six existing special permits within this area. These include parking lots, lot coverage for a church, health care facility, dwellings for members of religious orders, and an addition to a nonstandard home into the required yard. Such uses are also allowed by special permit in the R-2 district.
13. This area is predominantly surrounded by R-2 Residential. Small pockets of commercial zoning occur to the northwest and to the northeast. In addition to R-2 Residential districts there is a limited amount of R-5 and R-4 residential districts.
14. This area appears to be fully built. There appears to be no vacant lots available, nor are there any large lots within the area that could be accumulated and combined to produce an area large enough for a multiple-family development. Therefore, the primary opportunity for additional two- or multiple-family dwellings appears to be converting existing single-family dwellings or demolition and replacement.
15. An argument can be made that reducing the density in the city effectively increases the need for more units in another location, namely the edge of the city, which increases the burden for all taxpayers by creating the need to fund new infrastructure. By retaining the existing zoning districts in this location, a greater number of housing units may be supplied through infill development and reuse of existing structures.

However, the Comp Plan also stresses “preservation of [single-family] homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership,” and “the rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers.” (F 65, 72)

16. The Planning Staff has used the terms “tipping point” and “carrying capacity” in recent discussions involving downzoning, although these terms are not explicitly defined. These terms

are used to identify the concept of a point at which a neighborhood will have a certain density and mix of single-, two-, and even multiple-family dwellings that works well for the existing infrastructure and for encouraging reinvestment. The occurrence of this point will depend on infrastructure factors such as water and sewer capacities, traffic capacities, and availability of off-street parking, as well as character and compatibility with the surrounding neighborhood, and a recognition of the historic development pattern and the expectations of current residents. Each neighborhood not only has its own tipping point, but that point may change as the contributing factors change.

17. The Planning Staff believes an appropriate density and balance between single-, two-, and multiple-family residences currently exists within these two neighborhoods. The existing density of this area is 4.9 units per acre, which compares to densities of 3.8 to 6.5 units per acre in the neighborhoods where R-2 zoning was recently approved. Additional two-, and multiple-family dwellings would impact the availability of off-street parking, may cause increased congestion on narrow streets, and could disrupt the character of the neighborhood. Certainly, it is possible to design dwellings that respect and address these types of concerns; however, the current Neighborhood Design Standards are not adequate to assure this.
18. At the time of this report, 246 property owners out of a approximate 576 within this area have signed a petition in support of this change. The Applicant has stated that all of the property owners have been contacted for their opinion, and more letters of support may yet be submitted. Two property owners have responded in opposition to the downzoning. This calculates to a 99% rate of support of those that responded, and a 43% rate of support of all property owners. A copy of one page of the submitted petition is attached as an example. The remaining pages of the petition are part of the file, and may be viewed at the Planning Department
19. Another important issue among neighborhood downzonings is the owner-occupied/renter occupied ratio among properties in the study area. Tax records indicate that 79 percent of the properties in the petition area are owner-occupied. This statistic indicates a relatively healthy area, but one that may need the reinforcement of more zoning protection.
20. A special area of interest to this study area is South Street, which is the northern boundary of this downzone. Due to the smaller lots, deferred maintenance, and absentee ownership characteristic of this property along South Street, future redevelopment of this property from less intensive uses to more intensive may become a reality. However, downzoning this frontage would provide the City with the authority to review plans and encourage redevelopment that involved assembly of lots and consolidation of access.
21. Given the number of recent, pending, and potential requests to downzone established neighborhoods within the core of the city, the Planning Staff recommends that policies and strategies to address and improve the common issues in these applications be analyzed. The Planning Staff believes there are options to R-2 zoning that might better balance the competing goals of preservation and with efficiency/affordable housing in the Comprehensive Plan. These might include a changes to the existing residential district standards that would provide more opportunity for converting single family homes to duplexes - especially if owner occupied, a change to the CUP provisions, a new zoning district, and/or strengthening the Neighborhood Design Standards.

Comparison of R-2 and R-4 lot and area requirements:

	R-2	R-4
Lot area, single family	6,000 sq. ft.	5,000 sq. ft.
Lot area, two family	5,000 per family	2,500 per family
Lot area, townhouse	N/A	N/A
Lot area, multiple-family	N/A	N/A
Avg. lot width, single family	50 feet	50 feet
Avg. lot width, two family	40 feet per family	25 feet per family
Avg. lot width, townhouse	N/A	N/A
Avg. lot width, multiple-family	N/A	N/A
Front yard, single-family	25 feet	25 feet
Front yard, two family	25 feet	25 feet
Front yard, townhouse	N/A	N/A
Front yard, multiple-family	N/A	N/A
Side yard, single family	5 feet	5 feet
Side yard, two family	10 feet (0 at common wall)	5 feet (0 at common wall)
Side yard, townhouse	N/A	N/A
Side yard, multiple-family	N/A	N/A
Rear yard	Smaller of 30 feet or 20% of depth	Smaller of 30 feet or 20% of depth

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Date: April 14, 2004

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CHANGE OF ZONE NO. 04026

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 28, 2004

Members present: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser, and Bills-Strand (Pearson declaring a conflict of interest).

Ex Parte Communications: Dan Marvin stated that he is a Board Member of the Country Club Neighborhood Association, indicating that this has been an ongoing process that has gone on for two years and he has had numerous conversations which most of the Planning Commission members will hear during the public hearing. Marvin lives in the Country Club Neighborhood but his property is not in the area of this application.

Pearson stated that because she owns a very small property that bounds not only the Country Club neighborhood, but also the Irvingdale neighborhood, she will abstain from the discussion and declared a conflict of interest.

Bills-Strand stated that she has talked with Dan Marvin and Linda Wibbels, giving them some of the questions she will be asking during the public hearing.

Carroll indicated that he had also visited with Dan Marvin.

Derek Miller of the Planning staff submitted a revised legal description to be substituted in the staff report and four email messages in support.

Proponents

1. Linda Wibbels, presented the application on behalf of the Country Club Neighborhood Association and the Irvingdale Neighborhood Association. It was very logical that the two associations work jointly on this project because they are neighbors, they are contiguous to one another and they share a lot of the same similarities. In addition, the Country Club Neighborhood Association has been in existence since 1985, and since 1985 and up until today, the boundary lines of the two neighborhoods have always been overlapping and in question. The Country Club Neighborhood Association has over 2200 households, the majority of the properties being R-1 Residential. There is R-2 Residential zoning north of South Street, but there is a small little sliver coming down 27th to Stratford which is R-4 Residential. This change of zone request is a matter of housekeeping because the neighborhood by and large is R-1 with some R-2. The area is already fully built. There are no vacant lots.

Wibbels referred to the staff report where it is noted that these neighborhoods appear to have reached a point where the density and mix of residential uses seems appropriate. The current mix is approaching a tipping point, at which additional density would start to affect the stability and overload the carrying capacity of the neighborhood. Approval of this change of zone would preserve the current development pattern in the interior blocks, and allow for more influence on how land along South Street

might eventually redevelop. The research shows an extremely high rate of owner-occupants. The Comprehensive Plan talks about the preservation of single family homes for use by future generations and preserving the existing stock.

Wibbels also suggested that this change of zone is part of affordable housing. She showed examples of two properties on South Street that were absentee owners, which are currently under contract and being sold to owner-occupants.

Wibbels urged that these factors together – contiguous neighborhoods, preserving the housing stock, affordable housing, avoiding the tipping point – are strong factors in support of this application.

Carroll inquired as to the average value of the homes in this request. Wibbels believes that the low end value would be \$79,900 to the higher end of \$300,000+. It would be difficult to do an average. Carroll wondered about the people who like to live in those neighborhoods but cannot afford a home there. Wibbels' response was that the neighborhood wants to preserve the single family character, and that can be more attainable by the change from R-4 to R-2. It does allow new single family owner occupants to move into an area in which they want to live. A lot of the absentee landlords even signed the petition.

2. Steve Masterson, 2125 Bradfield Drive, testified in support. His home is just inside the R-2 area. He has lived there since 1989, and about a year ago the homes along South Street were occupied by renters that were not related, and he has had to call the police repeatedly for parties at these homes. He is definitely in favor of converting from R-4 to R-2 because he does believe it will preserve the neighborhood.

Bills-Strand suggested that this change of zone may not do anything to change the tenants. Masterson does not believe it will hurt.

3. Adam Wall testified in support on behalf of the Irvingdale Neighborhood Association, stating that a majority of the association members are in favor of this change of zone. He grew up in the Near South, and he likes the character and continuity that old houses bring to a neighborhood.

4. Bruce Baker, 2000 Ryons, testified in support. He would like to see the neighborhood preserved.

5. Carol Brown, 2201 Elba Circle, testified in support on behalf of the **Lincoln Neighborhood Alliance**, 21 neighborhood associations which have endorsed their plan for action which includes neighborhood preservation and opposes zoning design that conflicts with current or historic use patterns and creates density detrimental to character of existing neighborhoods. The city should downzone in neighborhoods where strong support exists. These neighborhoods have maximized their infrastructure while creating a variety of housing choices.

6. Neil Balfour, 2108 S. 24th, testified in support; however, he does not believe the residences on the corner of South Street fit in with the rest of the neighborhood. The big house across the street from him

was made into a hospital. On the other end of his block is a group home and across the street there is a friendship home. He believes the South Street area should be left alone. We have been singled out before. We have large homes and no one can afford to keep them. He is in favor of everything else, except the South Street corridor.

Neutral

1. John Layman, 2702 Colonial Drive, a member of the Country Club Neighborhood Association, stated that he was speaking in a neutral position. He has researched the activities of the neighborhood and could find no support in terms of economic obsolescence in terms of home ownership based on the types of uses a single family residence offers. In looking at the values along the South Street corridor as compared to the houses on the inner side, there is not much difference in inflation. The houses on South Street were increasing more than the houses further in, and the houses on South Street adjacent to multi-family structures were also inflating. It is Layman's opinion that the South Street corridor should be maintained as R-4. It relates to affordable housing. Affordable housing is not found in R-1 and R-2. The Comprehensive Plan addresses how we are going to accommodate people that cannot afford the more expensive neighborhoods. In looking at this, he does not see the likelihood of apartment buildings being built on the South Street corridor. There are people that are eventually going to be elderly that will want to stay in the neighborhood and because of the cost of housing, will be forced into rental properties which will be found on arterial streets, such as South Street. In any transition between a commercial or an arterial street, there is a buffer district and the R-4 serves this purpose. He is in support of the downzoning on the interior; however, he has difficulty with the area long South Street, which he believes should be transitional and supports the business traffic. The R-4 will go up to the value of R-2 properties. He has difficulty downzoning land along South Street. Consideration needs to be given so that we don't prevent uses coming into a neighborhood such as affordability.

There was no testimony in opposition.

Carroll asked staff to discuss the question about the South Street corridor. Derek Miller of Planning staff acknowledged that the staff did consider that potential since it is on an arterial street and that corridor does have potential for some redevelopment, but agreed to go forward with the entire area as requested in the application.

Marvin inquired about the zoning on South Street between 26th and 22nd Street. Miller advised that the further east portion is R-2 but the further west portion is R-4.

Larson believes that the idea of leaving out the South Street area is important. South Street is going to undergo a widening project. However, he is most concerned about taking the two neighborhoods together. As a matter of procedure, he thinks it would be a good idea to separate the two neighborhoods. He does not want to set a precedence of bundling neighborhoods together for rezoning.

Carlson suggested that there are rental opportunities all over this neighborhood that are affected. Therefore, it seems like there are opportunities to live in this neighborhood as a renter. Miller agreed.

Page 68 of the agenda lists some of the duplexes and multi-family units that exist. On the west side of 22nd Street, they are scattered about. The staff also provided a map showing owner versus rental. Most of the rental property (21%) is on the edges, but there are a few within the neighborhood.

Bills-Strand pointed out that some of the letters in support seem to indicate that this eliminates duplexes and this does not do that. Miller explained that the major difference between R-4 and R-2 is 10,000 sq. ft. of lot area for two-family dwellings versus 5,000 sq. ft.

Carroll understands that the multi-family dwellings will be changed to nonstandard uses. Miller advised that all multi-family dwellings in this study area are now considered nonconforming, so they will become nonstandard. Carroll confirmed that they can be rebuilt on the same footprint if destroyed. Miller clarified that if destroyed more than 60%, they would have to comply with R-2 requirements.

Marvin does not believe that South Street is being widened. It is being rehabilitated. It will continue to be four lanes with turn lanes.

Carlson suggested that it is actually better for multiple dwelling unit property owners if zoned R-2 rather than R-4 because nonstandard allows more flexibility than nonconforming.

Response by the Applicant

Wibbels referred to Mr. Balfour's testimony regarding 24th & South, and suggested that it is a classic example of where we inherited the sins of our fathers, meaning it was the Planning Commission and City Council, years ago before the Country Club Neighborhood Association, that gave special use permits to those properties which run with the land. This even further supports why we are here today – to protect the single family character.

In regard to Mr. Layman's testimony, she pointed out that he did see that the properties on South Street were going up in value and we all know that as you have an owner occupant in a property, they tend to take better care of the property. As a realtor, she knows that a rental typically can fester and spread and make other people want to move out. The South Street valuation increase shows that people are wanting to go back to the affordability factor and buy these homes on South Street.

As far as widening South Street, Wibbels confirmed that it is a rehabilitation project as opposed to a widening project. It is four lanes with turn lanes at the intersections. 17th to 27th will be rebuilt this year, with another section the following year.

As far as R-4 being a buffer zone, Wibbels submitted that R-2 on South Street is the buffer zone for the other R-4 on South Street. If the properties on the north side of South Street are R-2, then the other side should also be R-2 and jointly mirror each other as a buffer, or you change the other side of South Street to R-4.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 28, 2004

Main Motion: Carlson moved approval, seconded by Marvin.

Larson still feels strongly about setting a precedence of downzoning two neighborhoods at once.

Motion to Amend #1: Larson made a motion to amend to separate the two neighborhoods for voting purposes, seconded by Krieser.

Marvin pointed out that corporate and business interests are allowed to put properties together for purposes of development and the Commission doesn't vote on them separately.

Larson believes that a downzoning action is different.

Rick Peo of the City Law Department approached the Commission and advised that technically, the Commission only has one application before it. The Commission can vote on it in two parts, but it will be put on the Council agenda as one application. It is one application, and it was the applicants' choice to have one application. Secondly, the staff is not sure where the boundary line would be drawn separating the two neighborhoods.

Carlson pointed out that it is little pieces of each neighborhood association as opposed to the whole association area.

Carroll noted that there is only one legal description.

Vote on Motion to Amend #1 to separate the two neighborhoods failed 3-5: Larson, Krieser and Bills-Strand voting 'yes'; Marvin, Carroll, Taylor, Sunderman and Carlson voting 'no'.

Discussion on Main Motion: Carlson believes that if you look at the map, it is strategic. They are picking out specific areas. He heard comments about home ownership versus renter, but he does not know that that is the issue. There is a mix of owners and renters. What he hears is that this is a neighborhood that is built out and, despite our planning philosophies, we have to acknowledge that these neighborhoods are built out and they are at very sufficient density. 21% of the properties are currently rental, so there is 1 in 5 opportunities to rent in the neighborhood. The existing uses are grandfathered and protected. This is a good trend. We have a neighborhood that is built out and succeeding and we should change the zoning to match what is happening.

Marvin commented that six months ago, he had to look through all of the assessed valuations of about 56,000 homes. Median is the mid-point and the mid-point is about \$110,000, which means half of the homes in this town are under \$110,000. The applicant showed us one that sold for \$79,000. As much as we are going to try to do what we can for infrastructure and open up new land to provide for affordable housing, the days of the \$79,000 home are over, except in the older neighborhoods. The downzone helps protect those single family homes so that there is an opportunity to buy a house for under \$100,000 and live there. We do not want to lose this housing stock.

Motion to Amend #2: Carroll made a motion to amend to remove the South Street corridor from the change of zone request and keep it as R-4, seconded by Larson.

Discussion on Motion to Amend #2: Carroll believes that there needs to be a place for R-4 along the arterial street. There need to be places for renters that want to live in the neighborhood. He believes they should mirror the other side of South Street. It does not reflect into the neighborhood. It allows for some R-4 in that area.

Marvin believes that this strikes at the core of what older neighborhoods have to fight. You live in an area for 20 years, you have a home you like, the city grows, the streets get widened, and now we're not going to respect that single family home. We've seen that people are willing to buy single family homes on South Street. Single family can exist on South Street and this is where the affordable homes are located.

Carlson pointed out that there is a portion on the north side that is R-2 and some R-4. The R-2 exists because the neighborhood recognized the historical uses and single family. Doing this downzone basically recognizes the existing uses. It does not preclude a forward-looking project that might come forward. All this does is shift the burden of proof to the person that wants to come in and make a good change. It recognizes the existing investment the owners have made.

Bills-Strand asked Carroll if he would accept a friendly amendment to his motion, such that 27th west would stay R-4, and 27th east would be R-2. This was accepted by Carroll, the maker of the motion, and Larson, who had seconded the motion.

Vote on Motion to Amend #2, as revised. Motion to remove South Street west of 27th Street from the change of zone request (to remain R-4) carried 5-3: Larson, Carroll, Sunderman, Krieser and Bills-Strand voting 'yes'; Marvin, Taylor and Carlson voting 'no'.

Main motion, as amended, carried 8-0: Larson, Marvin, Carroll, Taylor, Sunderman, Carlson, Krieser, and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.

Legal Description for CZ.#04026 as requested by Applicant:

From R-4 Residential District to R-2 Residential District, on property legally described as Lots 1-9, 15-24, Block 1, Lots 1-24, Block 2, Ryons Addition; Lots 1-10, Block 1, Lots 1-10, Block 2, Lots 1-10, Block 3, and Lots 1-10, Block 4, Marion Heights Addition; Lots 1-48, Cherry Hill Place; Lots 1-12, Block 1, Lots 1-12, Block 2, Youngs Subdivision; Lots 1-18, Alexander Subdivision; Lots 1-14, Chapline Subdivision; Lots 1-14, Block 1, Lots 1-10, Block 2, Lots 1-24, Block 3, Lots 1-9, Block 6, Lots 1-16, Block 7, Lots 1-25, Block 8, Lots 1-6, Block 9, Lots 1-6, Block 10, Garfield Park; Lot 1, Block 1, Sewell's Addition; Lots 2-24, Block 1, Lots 1-24, Block 2, Replat of Sewell's Addition; Lots 1-24, Block 1, Lots 1-24, Block 2, Randall Place; Lots 1-24, Block 1, Lots 1-24, Block 8, Homecrest; Lots 1-12, Block 1, Yates and Thompsons Subdivision; Lots 1-13 and 16-24, Block 1, Lots 1-3 and 6-11, Block 2, Lots 1-8 and 14-20, Block 4, Lots 1-6 and 12-16, Block 5, Lots 1-4 and 10-12, Block 8, Sheridan Place, and Lots 59-62 I.T., all located in the South 1/2 of Section 36-10-6; and Lots 1-11, Block 1, Lots 1 and 2, Block 12, Lots 4-14, Block 14, Lots 4-7, Block 15, Lots 1, 2, and 12-23, Block 16, Sheridan Park, located in the SW 1/4 of Section 31-10-7, Lancaster County, Nebraska, generally located between South Street and Van Dorn Street, from S. 17th Street to S. 30th Street.

Legal Description for CZ.#04026 as revised by PC:

From R-4 Residential District to R-2 Residential District, on property legally described as Lots 1-9, 15-24, Block 1, Lots 1-24, Block 2, Ryons Addition; Lots 1-10, Block 1, Lots 1-10, Block 2, Lots 1-10, Block 3, and Lots 1-10, Block 4, Marion Heights Addition; Lots 1-48, Cherry Hill Place; Lots 1-12, Block 1, Lots 1-12, Block 2, Youngs Subdivision; Lots 1-18, Alexander Subdivision; Lots 1-14, Chapline Subdivision; Lots 1-14, Block 1, Lots 1-10, Block 2, Lots 1-24, Block 3, Lots 1-9, Block 6, Lots 1-16, Block 7, Lots 1-25, Block 8, Lots 1-6, Block 9, Lots 1-6, Block 10, Garfield Park; Lot 1, Block 1, Sewell's Addition; Lots 2-24, Block 1, Lots 1-24, Block 2, Replat of Sewell's Addition; Lots 1-24, Block 1, Lots 1-24, Block 2, Randall Place; Lots 1-24, Block 1, Lots 1-24, Block 8, Homecrest; Lots 1-12, Block 1, Yates and Thompsons Subdivision; Lots 1-13 and 16-24, Block 1, Lots 1-3 and 6-11, Block 2, Lots 1-8 and 14-20, Block 4, Lots 1-6 and 12-16, Block 5, Lots 1-4 and 10-12, Block 8, Sheridan Place, and Lots 59-62 I.T., all located in the South 1/2 of Section 36-10-6; and Lots 1-11, Block 1, Lots 1 and 2, Block 12, Lots 4-14, Block 14, Lots 4-7, Block 15, Lots 1, 2, and 12-23, Block 16, Sheridan Park, located in the SW 1/4 of Section 31-10-7, Lancaster County, Nebraska, generally located between South Street and Van Dorn Street, from S. 17th Street to S. 30th Street.



Change of Zone #04026 As Requested by Applicant **Downzone - Irving Dale and Country Club**

2002 aerial
Page 1 of 2

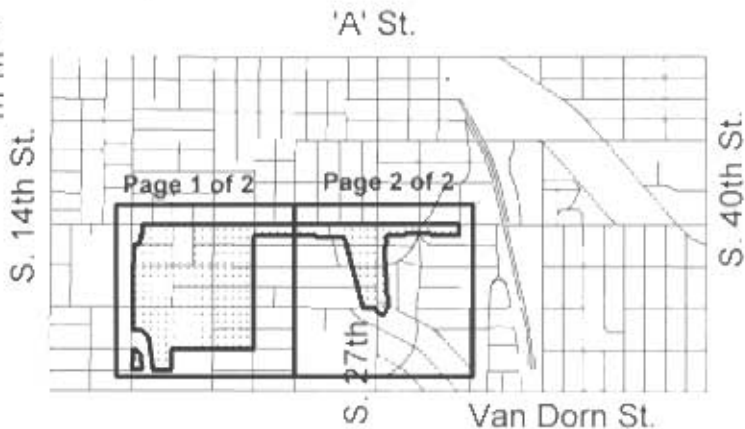
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles
Sec. 36 T10N R6E
Sec. 31 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



018



2002 aerial

Change of Zone #04026 As Requested by Applicant Downzone - Irving Dale and Country Club

Page 2 of 2

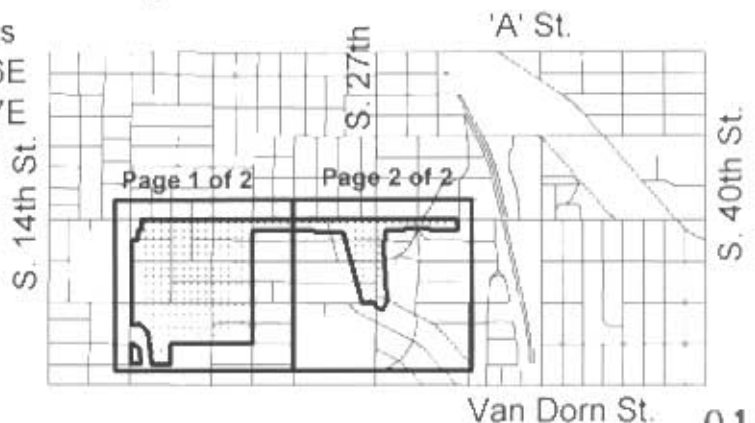
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles
Sec. 36 T10N R6E
Sec. 31 T10N R7E

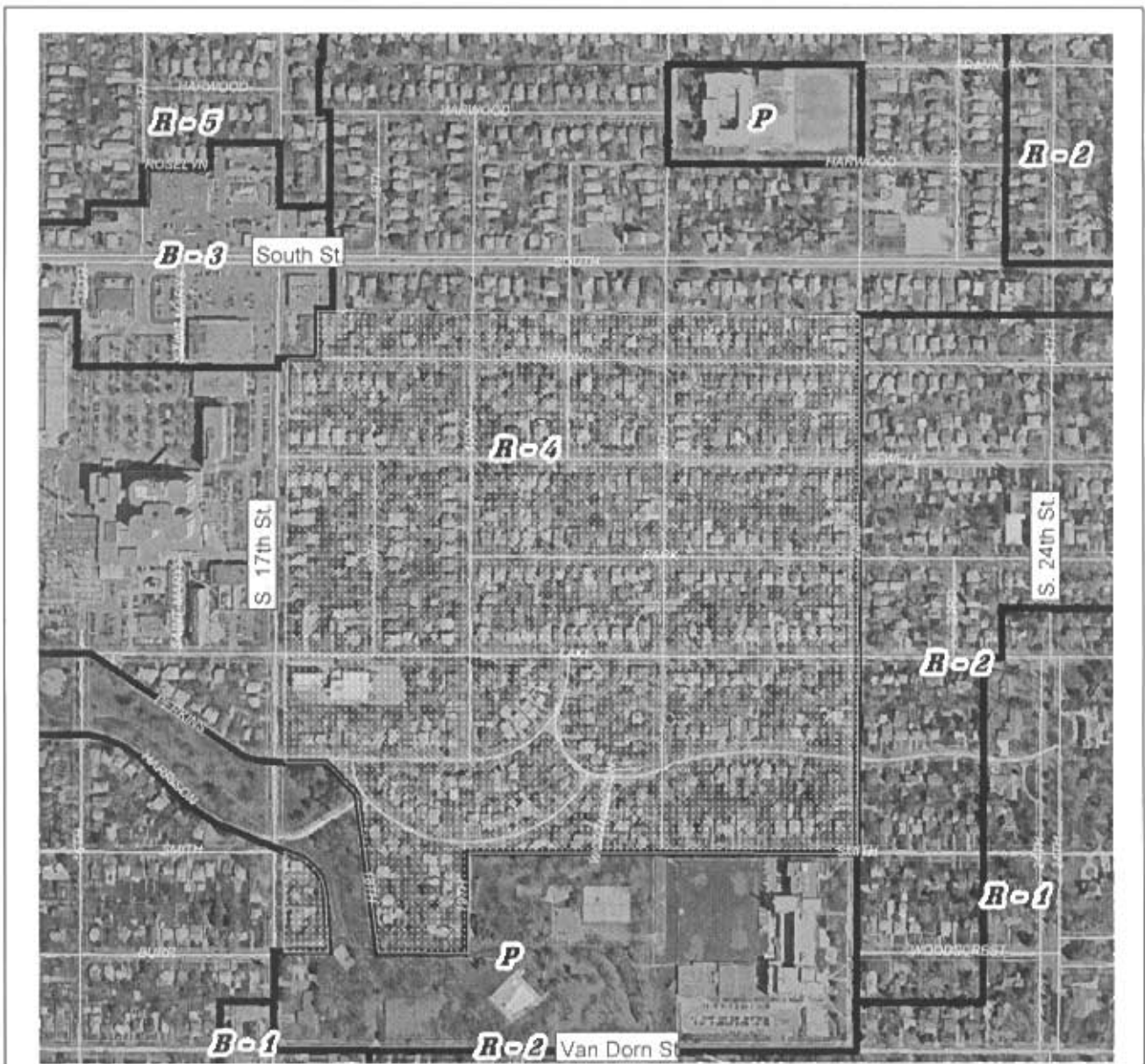


Zoning Jurisdiction Lines
City Limit Jurisdiction



Van Dorn St.

019



Change of Zone #04026 As Revised by PC Downzone - Irving Dale and Country Club

2002 aerial
Page 1 of 2

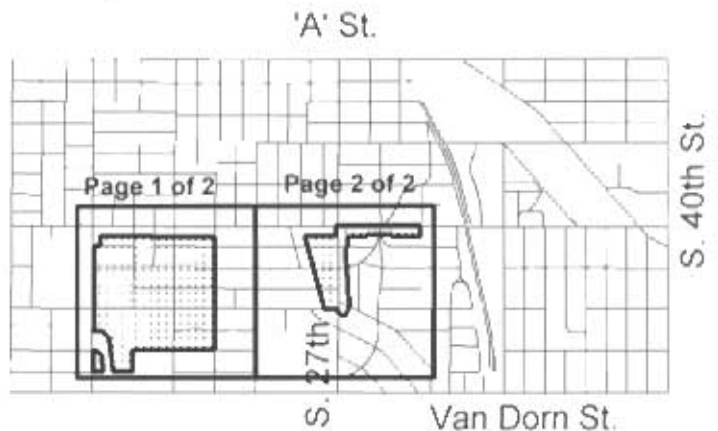
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles
Sec. 36 T10N R6E
Sec. 31 T10N R7E



Zoning Jurisdiction Lines
City Limit Jurisdiction



020



2002 aerial
Page 2 of 2

Change of Zone #04026 As Revised by PC Downzone - Irving Dale and Country Club

Zoning:

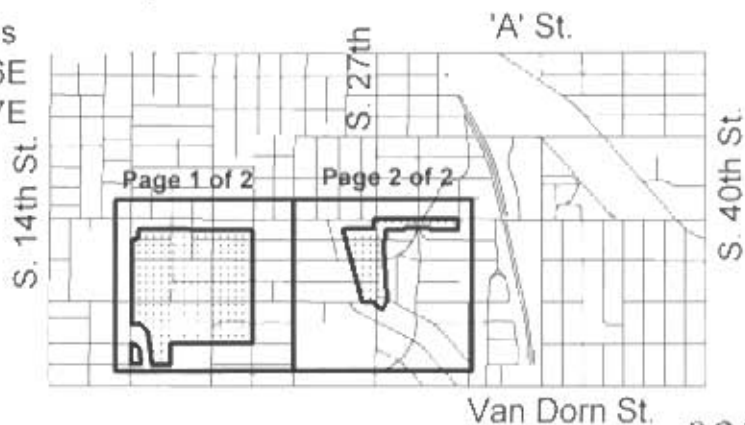
- R-1 to R-III Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles
Sec. 36 T10N R6E
Sec. 31 T10N R7E

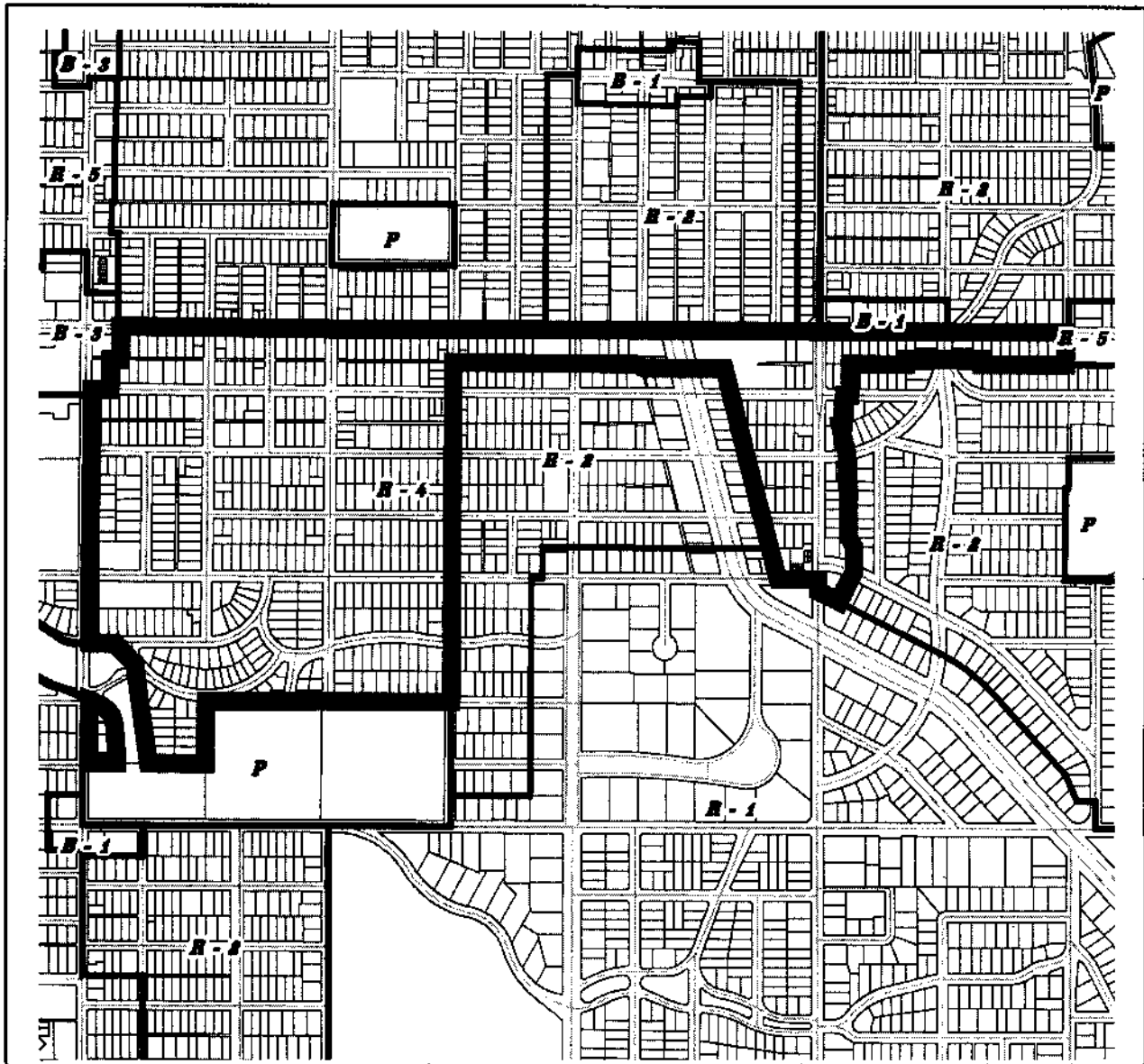


Zoning Jurisdiction Lines

City Limit Jurisdiction



021



Change of Zone #04026 Downzone - Irving Dale and Country Club

2002 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

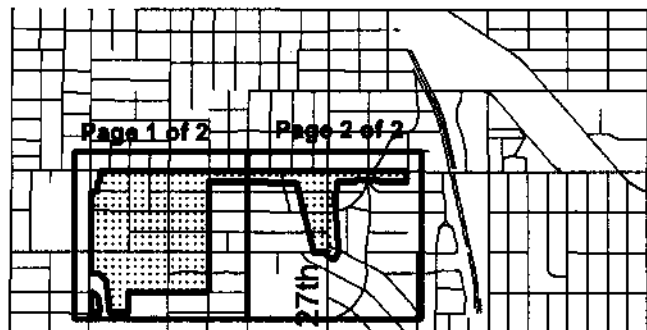
Two Square Miles

Sec. 36 T10N R6E

Sec. 31 T10N R7E



S. 14th St.

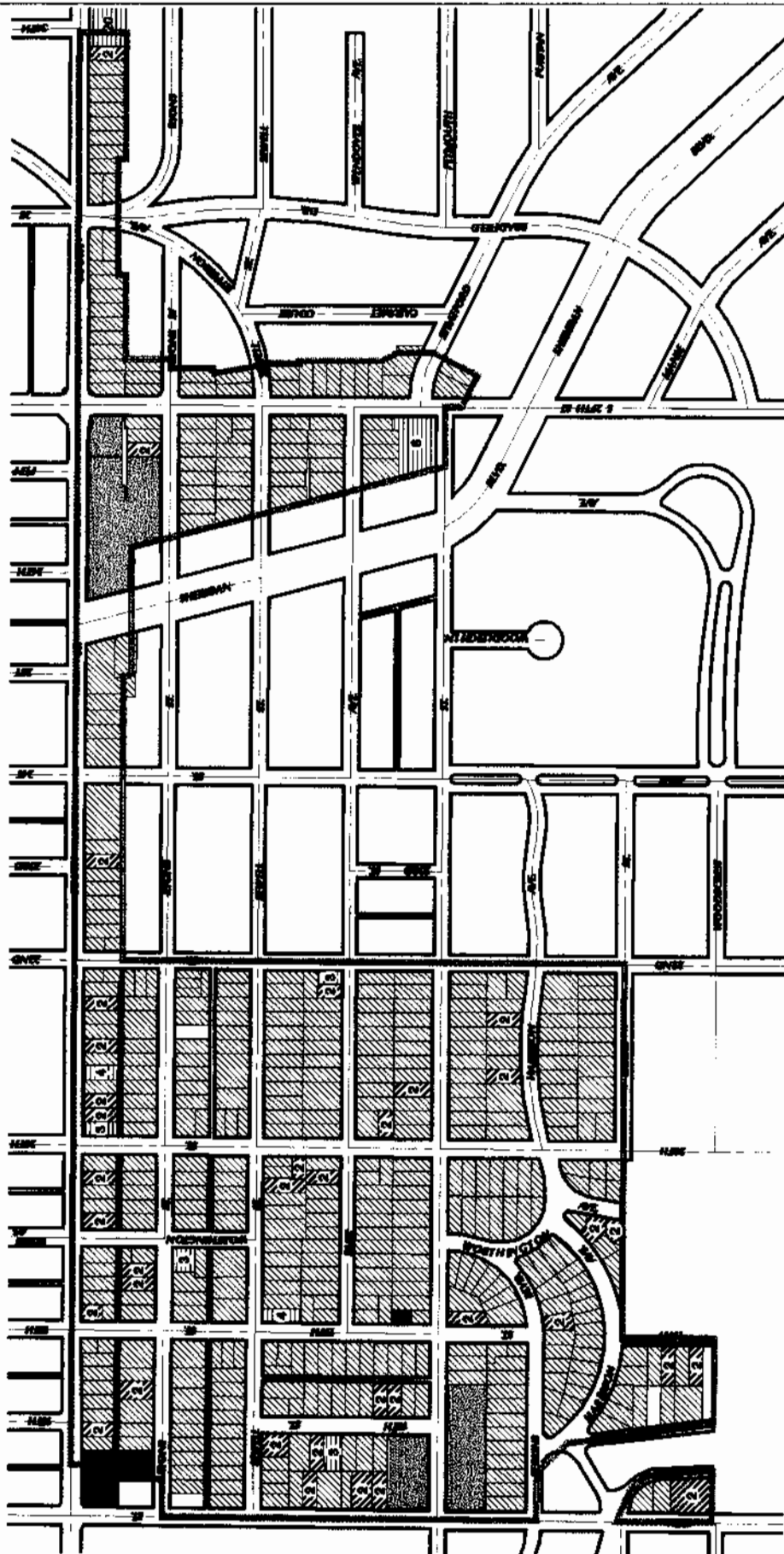


'A' St.

S. Van Dorn St.

S. 40th St.

022

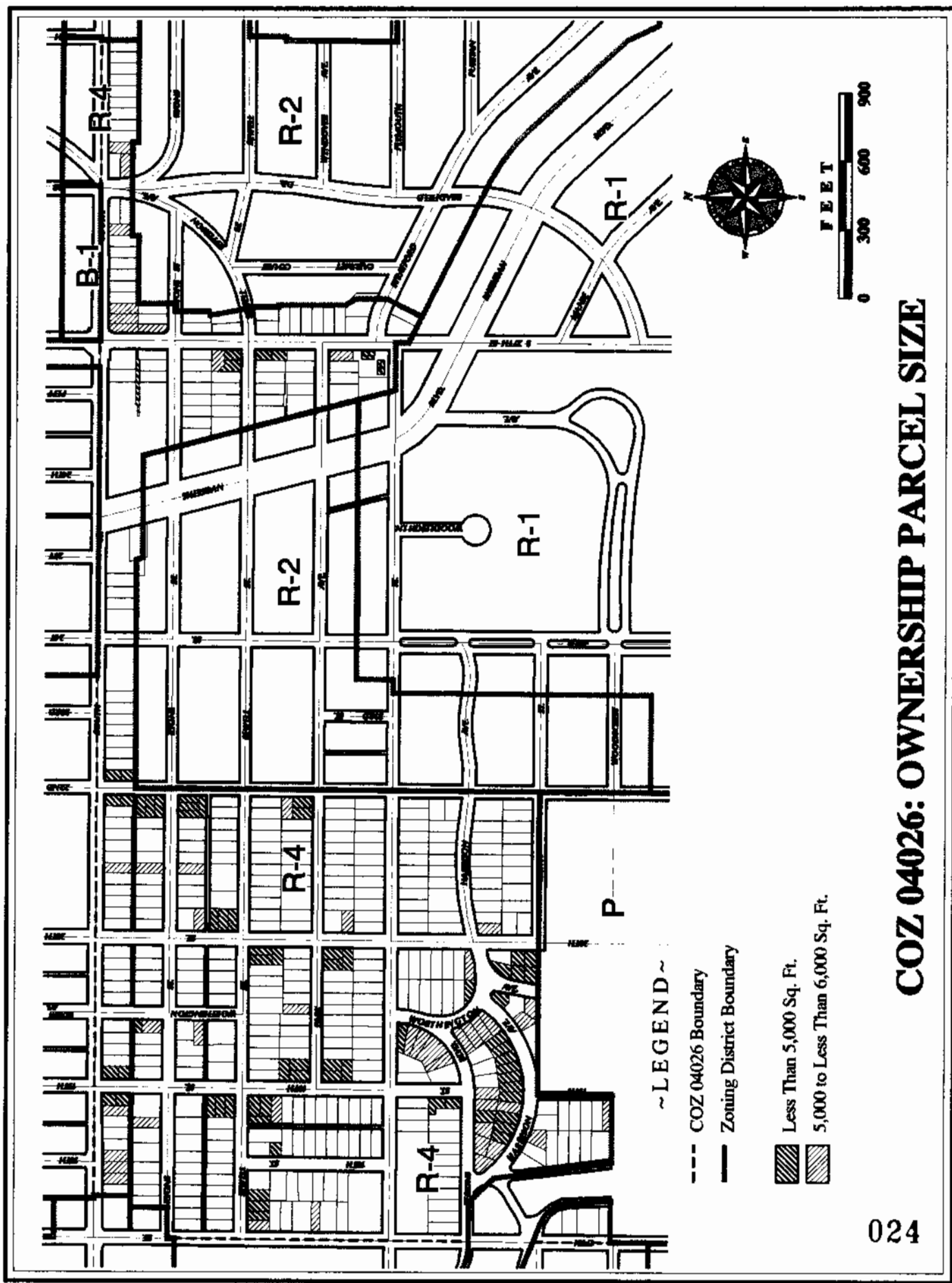


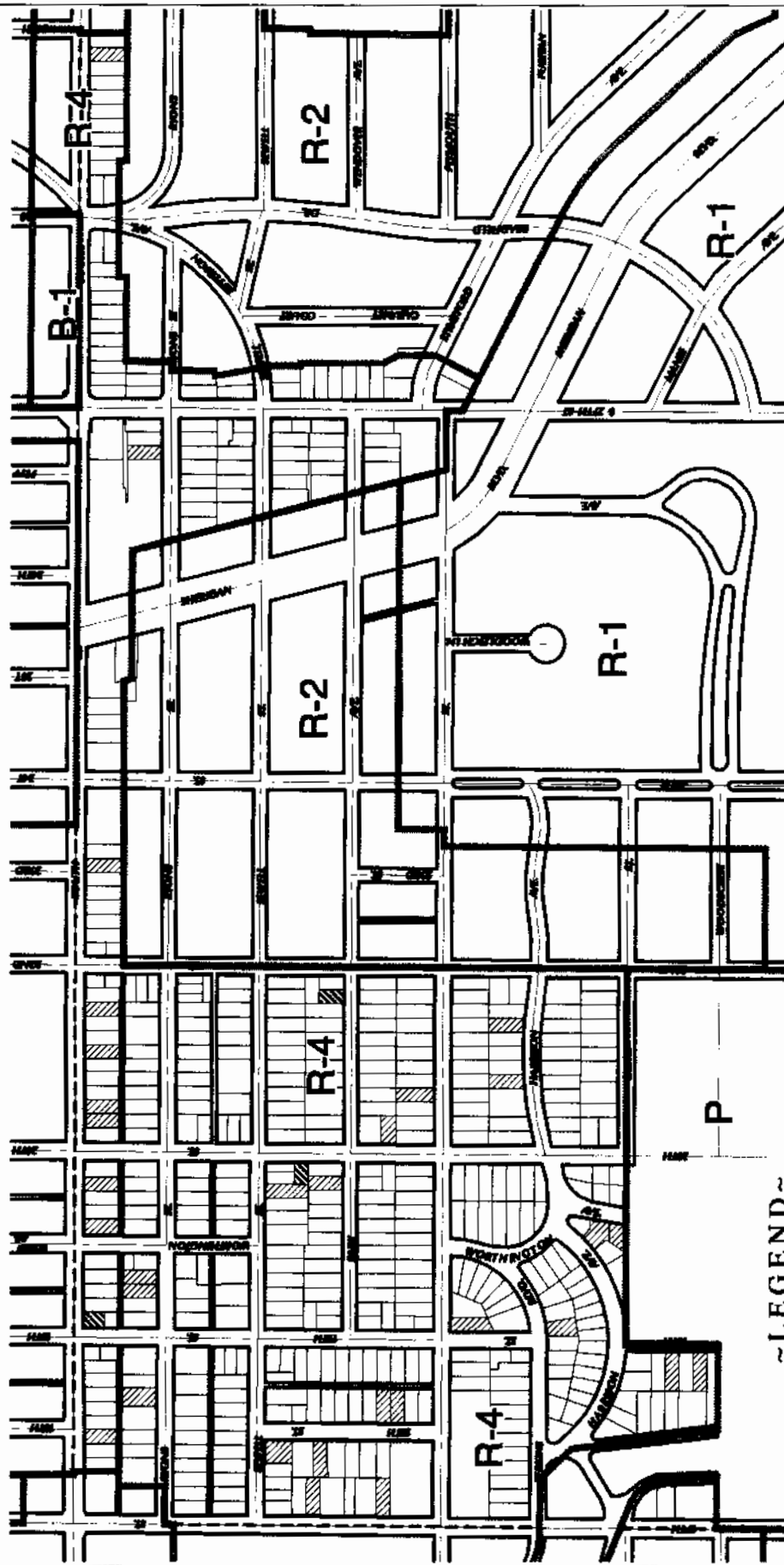
~ LEGEND ~

- COZ 04026 Boundary
- Single Family Dwelling
- Two-Family Dwelling
- Multi-Family (# Units)
- Commercial Use
- Public/Semi-Public Use

023

COZ 04026: EXISTING LAND USE





~ LEGEND ~

- COZ 3416 Boundary
- Zoning District Boundary

- Less Than 5,000 Sq. Ft.
- 5,000 to Less Than 10,000 Sq. Ft.

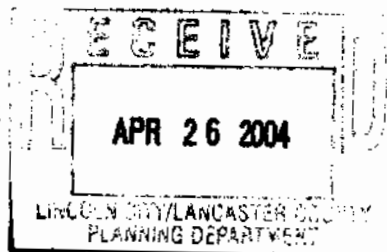


COZ 04026: DUPLEX PARCEL SIZE

025

IN SUPPORTITEM NO. 3.3: CHANGE OF ZONE 04026
(p.55 - Public Hearing - 4/28/04)Fredricka Fleming
1944 Fell St.
San Francisco, Ca
94117

Derek Miller
Project Planner
City-County Planning Commission
555 So. 10th Street
Suite 213
Lincoln, Nebraska 68508



Re: Change of Zone No.04026
Irvingdale and Country Club
Neighborhoods
Downzone R-4 to R-2

Dear Commisioners,

I am the owner of the single-family home at 1980 Ryons Street. The home has been in the family since 1938. I grew up in the home and attended Prescott Elementary School. I moved to San Francisco at that time but my mother continued to occupy the home until her death in 1991. Unfortunately, she had let the home deteriorate despite the efforts of family members. When I inherited the home, it had to have extensive remedial work done which I did. Then, as the years went on, I improved the home extensively always restoring as I went along and keeping the home as it was and in character with the neighborhood - at the same time insulating, re-wiring and re-plumbing the house. I landscaped the grounds as well.

The home is currently rented to an English instructor at Southeast Community College whose 2 sons share it with him part of the year. It's a wonderful family neighborhood and the boys thoroughly enjoy playing with others in the neighborhood and riding their bikes in safety.

Though there have been a few changes in the neighborhood since I was a child, it still is full of many wonderful families with children and grandchildren and I would ask the commission to rule in favor of downzoning the area in order to preserve this most wonderful part of Lincoln.

Please feel free to contact me if you wish at tel/fax: 415-752-2179 or email:

flemingf@pacbell.net.

Sincerely,
Fredricka Fleming

026

2127 Park Ave.
Lincoln, NE 68502
April 27, 2004

To: The Planning Commission

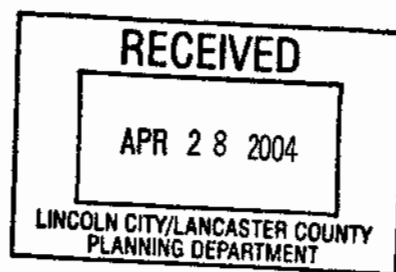
Re: Downsizing of Irvingdale

I live in Irvingdale because of the kind of residential neighborhood it offers and it is a great place to raise my kids. I would like it to stay that way—residential without slip-ins. We rented a home in this neighborhood for six years during which time we realized how much we liked the area and wanted to stay here. We then purchased our home at the Park Avenue address above. I support the rezoning from R-4 to R-2.

Thank you for your time and consideration.

Sincerely yours,

Alison Stewart



IN SUPPORT

ITEM NO. 3.3: CHANGE OF ZONE NO. 04026
(p.55 - Public Hearing - 4/28/04)



"Greg McCown"
<gmccown@neb.rr.com>
m>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: Downzoning of Country Club and Irvingdale neighborhoods

04/28/2004 08:41 AM

April 28, 2004

Planning Commissioners,

This email is being sent to indicate the SUPPORT of the Near South Neighborhood Association Executive Board of Change of Zone 04026. Your approval of this application by the Country Club and Irvingdale Neighborhood Associations would be a significant step forward towards strengthening these historic Lincoln neighborhoods and protecting the existing property owners. Having downzoned significant portions of our neighborhood in the past, we can report that downzoning has created very positive results. We urge your support and approval of this application.

Sincerely,

Greg McCown - President

Near South Neighborhood Association

IN SUPPORT

ITEM NO. 3.3: CHANGE OF ZONE NO. 04026
(p.55 - Public Hearing - 4/28/04)



"Bob Hoppe"
<bhoppe@ameritas.com>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: Change of Zone #04026 - Irvingdale & Country Club

04/28/2004 09:03 AM

As a homeowner in the Irvingdale neighborhood, I would like to voice my support for the downzoning proposal that goes before the Planning Commission today. Improving the "residential" quality of my neighborhood is very important to me. I believe this proposal is a step in the right direction.

Thank you for your consideration.

Robert Hoppe
1835 Ryons St.



"Mary Lynn W.
Schaffer"
<mlschaf@lps.org>

04/28/2004 10:09 AM

To: plan@ci.lincoln.ne.us
cc: bobripley@alltel.net, Ian Doremus <idoremus@neb.rr.com>, JulieEnersen@yahoo.com, "Stacy C. James" <sj41545@navix.net>, shallbeck@yahoo.com, James A Pattavina <jamespattavina@prodigy.net>, Jan Pitsch <jpitsch99@aol.com>, Terry Schaaf <tschaaf@neb.rr.com>, Linda Wibbels <lwibbels@woodsbro.com>, rikka.keilson@iuniverse.com, bobbeechem234@hotmail.com, jcookcc@aol.com

Subject: Change of Zone #04026

Members of the Planning Commission:

Earlier this year the Country Club Neighborhood Association voted to seek a change in the zoning of part of our neighborhood to keep the neighborhood "family friendly". We also agreed to pursue this down-zoning with the Irvingdale Neighborhood Association since the area has some overlap and the quality of life for each area is somewhat dependent upon the other.

We have had a very positive response from the homeowners of these properties. I encourage you to support the Change of Zone #04026 as it will us allow to keep the population density down and the number of cars which accompany residents, and continue the quality of neighborhood life which exists across the rest of the neighborhood.

Sincerely,
Mary Lynn W. Schaffer
President
Country Club Neighborhood Association

IN SUPPORT

ITEM NO. 3.3: CHANGE OF ZONE NO. 04026
(p.55 - Public Hearing - 4/28/04)



Stacy James
<sjames2@unl.edu>

04/28/2004 09:50 AM

Please respond to
sjames2

To: plan@ci.lincoln.ne.us
cc:
Subject: IN FAVOR of Zone Change #04026

I am in total support of the Change of Zone #04026 - for the Irvingdale & Country Club neighborhoods. Thank you for your consideration.

Stacy C. James
3022 William Street
Lincoln, NE 68502



"Marvin Krout"
<marvinkrout@yahoo.com>

To: gczaplewski@ci.lincoln.ne.us, jwalker@ci.lincoln.ne.us
cc:
Subject: fwd:pending zone change-irvingdale neighborhood

04/07/2004 10:56 AM

fyi -- Jeancopies should go to PC in advance of hearing.

Steven Avey <steven_avey@yahoo.com> wrote:

>Dear Irvingdale Neighborhood Association Board,

>

>I am writing to express my concerns about the Board's
>recent decision to seek a downzone of my property from
>R-4 to R-2. My concern stems from the reasons for the
>zone change outlined in the communication some
>property owners received from the board. The owners of
>the duplexes to my north were not notified. In the
>communication that was signed by Alene Swinehart and
>Kitty Fynbu, some of us were informed that a developer
>could buy a single-family dwelling, demolish it, and
>replace it with a duplex. We were informed that
>following consequences could result:

>

> o the new structure could be massive in size and may
>not fit in architecturally

> o the new structure could be rented to students and
>not families which could result in too many cars,
>parking problems, parties, and other unspecified
>neighborhood problems

> o the new structure could lead to a drop in property
>values

>

>In addition, the need for the downzone was presented
>as something that was urgent.

>

>I believe that these potential consequences will not
>be adequately addressed by the zone change. My reasons
>are as follows:

>

> o A single family dwelling can be demolished and
>replaced with another single family dwelling that is
>massive and does not fit architecturally. The zoning
>dictates setbacks and height restrictions so the issue
>of massiveness is already addressed and a moot point.

>I have never seen a "massive" duplex. Perhaps the
>board is lumping duplexes and multi-family dwellings
>(apartments) together. The controlling of aesthetic
>compatibility is not a function of the zoning
>ordinance. Who has the right to dictate another
>person's aesthetic inclinations? Is it the Irvingdale
>Neighborhood Association Board? I don't think so.
>Would you like it to be? I would like to point out
>that the duplexes to the north of me are an asset to
>the neighborhood while some single-family dwellings
>(the SW corner of 18th and Sewell for example) are
>not.

>

> o I have lived next to two duplexes for over 20 years
>and not once has it been rented to a group of

>students. Blessed Sacrament Church, on the other hand,
>repeatedly rents the single family dwelling that it
>owns on the corner of 18th and Lake to groups of
>students with the resulting problems that you
>outlined. I think students are far more likely to rent
>a single-family dwelling or an apartment if they can.
>The problem of renting to groups of students is
>already addressed by the zoning ordinance. If the
>board wants to have a real impact on this problem, I
>would suggest that it do more to make sure the section
>of the zoning ordinance that prohibits more than 3
>unrelated people from living together is better
>enforced. I suspect that will not happen because your
>board president supports renting to groups of
>students.

>
>o The problem of too many cars is not limited to those
>who live in duplexes. Ask any parent with two or three
>teenagers. The zoning ordinance already addresses the
>off-street parking needs of duplexes. If the parking
>requirements for duplexes are insufficient, the text
>of the ordinance needs to be changed and not the
>zoning designation of a piece of property. Blessed
>Sacrament and its school cause the parking and traffic
>difficulties in this neighborhood. Perhaps the board
>could generate solutions to that problem before it
>tackles one that doesn't and, in my opinion, won't
>exist unless, of course, groups of students continue
>to live in this area illegally.

>
>o I consulted a realtor about the drop in property
>value if a duplex were to be built next to me. His
>response was "there are some people who believe that."
>Does the board have any concrete proof that this would
>be the case?

>
>o I seriously question the urgency of this zone
>change. There has been a house for sale on 18th Street
>between Lake and Sewell for several months. The length
>of time it's been on the market indicates to me that,
>among other things, there is not a bunch of developers
>out there who can't wait to bulldoze this area, put in
>the biggest and ugliest duplexes they can, make their
>fortune at their neighbor's expense and by god we
>better do something about it before it's too late. I
>don't know about anyone else, but that is the image
>the word "urgent" conjurs up. This area has been zoned
>R-4 for over 20 years and not one house has been
>demolished and replaced with a duplex. Not one. Again,
>what is the source of this urgency? Is there something
>the board knows that needs to be shared with the
>property owners? If so, why haven't you done so?

>
>While I can appreciate the board's altruism and desire
>to protect our property values I do wonder: WHO ASKED
>YA TO. It wasn't me or any of my neighbors. The board
>is ad-hoc at best and for you to try and tell me what
>I can and cannot do with the property I own causes me
>to feel a great deal of resentment. I think it's
>unfortunate that anyone can request a zone change on
>anyone else's property. I am well aware of the adverse

>impact that rental property can have on a
>neighborhood. Again, I believe this zone change will
>do little to mitigate those impacts. In my opinion,
>duplexes are the most desirable form of rental
>property. I would much rather live next to a duplex
>than an apartment building or a single-family dwelling
>that is being rented. Especially if that single-family
>is rented by students. I also find it interesting that
>the board did not once address the appropriateness of
>the R-4 vs. R-2 designation for this area. I trust
>that the Planning staff, the Planning Commission, and
>the City Council will.

>
>This is a very stable neighborhood. Many of the
>property owners have lived here for decades. I don't
>see any indication that the board is sensitive to the
>property owner and resident of the neighborhood that
>wishes to convert their property to a duplex and live
>in one of the units. The person who would be sensitive
>to any negative impacts (they have to live with them)
>and take steps to mitigate them. This person is being
>asked to make a significant financial sacrifice while
>getting precious little in return. My wife and I have
>considered it and rejected it, though it was a factor
>in our decision to buy the house in 1979. I believe
>that taking this option away is the only tangible
>result of this zone change.

>
>Steve Avey
>2432 South 18th Street

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>

>
>Do you Yahoo!?
>Yahoo! Small Business \$15K Web Design Giveaway
>http://promotions.yahoo.com/design_giveaway/

Marvin S Krout

04/08/2004 11:50 AM

To: jwalker@ci.lincoln.ne.us

cc:

Subject: Irvingdale neighborhood zone change/affordable housing/HUD article

another email from Mr. Avey, for PC, in case you did not get it.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

----- Forwarded by Marvin S Krout/Notes on 04/08/2004 11:49 AM -----



Steven Avey
<steven_avey@yahoo.com>

04/08/2004 08:18 AM

To: mayor@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us,
jcook@ci.lincoln.ne.us, mkrou@ci.lincoln.ne.us, rhill@ci.lincoln.ne.us,
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dgould@ameritrade.com

cc:

Subject: Irvingdale neighborhood zone change/affordable housing/HUD article

I believe that the shortage of affordable housing in Lincoln and the role that owner-occupied duplexes can play in relieving that situation needs to be looked at. I respectfully submit this article for your consideration.

Steve Avey
2432 South 18th Street

Affordability Advocates Rediscover Milwaukee's "Polish Flats" and "German Duplexes"

Polish and German immigrants to the United States in the late 19th and early 20th centuries often viewed homeownership not as a mark of achieved economic success but rather as a means to achieve it. In Milwaukee these immigrants developed the so-called Polish flat and German duplex. Both are two-family homes with separate entrances, but rather than the more usual arrangement of side-by-side units, one unit is stacked on top of the other. This arrangement enables a family of limited means to purchase both a home and a modestly priced rental apartment unit. The house's footprint takes up less land than a side-by-side duplex, increasing its affordability.

These homes were "specifically designed both to accommodate and to accelerate the economic improvement of the family," writes Milwaukee Mayor John Norquist in his book *The Wealth of Cities*. "Polish flats were human values reflected in architecture and testified to the hard work, practicality, and optimism of their inhabitants." He notes that Atlanta's and Houston's double shotgun-style houses and Philadelphia's row houses offer similar options to owners; both types may be easily adapted to house two families. In recent decades, as new groups of minorities and

immigrants move into Milwaukee's ports-of-entry neighborhoods, they use the dual-family, resident ownership structures as the original residents did. The housing style continues to leverage homeownership for families of very modest means, allowing them to build equity.

New groups adopt Milwaukee's dual-family homes.

Milwaukee's immigrant and minority groups of today—Hispanics, African Americans, Southeast Asians, and others—use the Polish flats and German duplexes as a means of upward mobility. According to Schuyler Seager, director of the nonprofit Neighborhood Improvement Development Corporation in Milwaukee, "The old duplexes continue to be used both as primary residences and rental properties, with the rental income making them more affordable." He believes German duplexes, in particular, remain fundamentally good properties for affordable housing. "They are well constructed and their layout is adequate for today's family."

The value of the owner-occupied duplex is well recognized by Milwaukee banks.

In making mortgage calculations on this type of home, the banks count a portion of the projected rent as income for the prospective buyer. One large local bank includes 75 percent of the rent. For example, if the rent for the unit is \$400 per month (\$4,800 per year), the bank adds \$3,600 to the owner's annual income. There are many two-family homes in Milwaukee ranging in price from \$35,000 to \$60,000. Median income in Milwaukee County is about \$31,000. To qualify for a mortgage on a \$50,000 home with a 5-percent downpayment, a homebuyer would need a minimum income of \$21,600. Factoring in a rental income of \$400 per month reduces the buyer's qualifying minimum income from earnings to less than \$18,000 or about 58 percent of the median income. Homeownership thus becomes a realistic option for many households of modest income.

In addition to providing homeowners with rental income to help pay the mortgage, two-family homes offer both owners and renters many of the amenities of single-family housing including more room, a private entrance, attic and basement storage, a yard, and residence in a family neighborhood.

The city's stock of two-family homes dates back to the 1880s. Between 1904 and 1914, they accounted for more than 60 percent of new construction in Milwaukee, according to Paul Jakubovich, author of *As Good as New, A Guide for Rehabilitating the Exterior of Your Old Milwaukee Home*. By 1930 the city had approximately one duplex for every single-family residence, a legacy of housing design that persists today in Milwaukee's older neighborhoods.

A century of leveraging homeownership.

The Polish flat of Milwaukee today bears witness to its humble beginnings. Homeownership was a cultural imperative for Polish immigrants, according to Jakubovich. As soon as they could manage it, Polish households would purchase a small one-story or story-and-a-half frame workers' cottage, or perhaps build one on a vacant lot. These houses were typical of the period, built on a cedar post foundation, featuring modest Victorian Gothic or Queen Anne facades and simple brackets and spindles for decoration. The family would then raise the house, creating a partially sunken basement apartment.

The owner would either rent the basement unit or live in it and rent the more desirable top apartment, which could command more rental income. The walk-in basement units had street-level windows and a separate entry, usually under the front stoop. Steep wooden steps provided access to the main living area in the top unit. The dual-unit home could also be used as the family expanded or for extended family. Some of the older Polish flats, however, have certain drawbacks, such as foundation problems, low doorways, and inadequate room for heating systems.

Enduring architecture

The German duplexes reflect the immigrants' use of artisans and skilled laborers to build relatively large and more gracious two-flat duplexes. These homes were "often enhanced with leaded glass windows, finely handcrafted woodwork, and other amenities," writes Norquist. At least one contemporary architect is rethinking the duplex house for today's market. Dr. Avi Freidman of McGill University in Montreal developed the NEXT House. His design allows homeowners or builders to easily shift the position of existing walls and stairways to form a triplex, duplex, or single-family residence as family needs evolve. Echoing the historical role of Milwaukee's German duplexes and Polish flats, Friedman's work suggests that homeownership with a rental unit may continue to be a viable component of affordable housing in the 21st century.

For more information, contact: Schuyler Seager, Director, Neighborhood Improvement Development Corporation, 841 North Broadway, 10th Floor, Milwaukee, WI 53202, (414) 286-8212; or Dr. Avi Friedman, School of Architecture, McGill University, Macdonald-Harrington Building, 815 Sherbrooke Street West, Montreal, QC, Canada H3A 2K6, or www.McGill.ca/homes.

Or see: John O. Norquist, *The Wealth of Cities, Revitalizing the Centers of American Life*. Redding, MA: Addison-Wesley, 1998; Paul Jakubovich, *As Good as New, A Guide for Rehabilitating the Exterior of Your Old Milwaukee Home*, Department of City Development, Historic Preservation Staff, P.O. Box 324, Milwaukee, WI 53201-0324, (414) 286-5707.

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